

**PRISON DEVELOPMENT AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Brad R. Wilson**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies and enacts provisions relating to the development of a new prison.

**Highlighted Provisions:**

This bill:

- ▶ modifies the duties and authority of the Prison Relocation Commission;
- ▶ creates the Prison Development Commission and provides for its membership, duties, and operation;
- ▶ provides for Division of Facilities Construction and Management oversight of the prison design and construction project, in consultation with the Prison Development Commission, and through contracts with a project manager, construction manager, and architect;
- ▶ creates a restricted account and capital projects fund for the prison project;
- ▶ provides a process for the choice of a new prison site; and
- ▶ modifies a repeal provision relating to the Prison Relocation Commission and enacts a repeal provision relating to the Prison Development Commission.

**Money Appropriated in this Bill:**

This bill appropriates in fiscal year 2015:

- ▶ to the Senate, as a one-time appropriation:
  - from the General Fund, \$10,000 to pay per diem and expenses of senators serving on the Prison Development Commission;



- 28           ▶ to the House of Representatives, as a one-time appropriation:
- 29           • from the General Fund, \$13,000 to pay per diem and expenses of representatives
- 30 serving on the Prison Development Commission; and
- 31           ▶ to the Office of Legislative Research and General Counsel, as a one-time
- 32 appropriation:
- 33           • from the General Fund, \$40,000 to pay for staff services for the Prison
- 34 Development Commission.

35 **Other Special Clauses:**

36           This bill provides a special effective date.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39           **63C-15-102**, as enacted by Laws of Utah 2014, Chapter 211
- 40           **63C-15-201**, as enacted by Laws of Utah 2014, Chapter 211
- 41           **63C-15-203**, as enacted by Laws of Utah 2014, Chapter 211
- 42           **63G-6a-707**, as last amended by Laws of Utah 2014, Chapter 196
- 43           **63I-1-263**, as last amended by Laws of Utah 2014, Chapters 113, 189, 195, 211, 419,
- 44 429, and 435
- 45           **63I-2-263**, as last amended by Laws of Utah 2014, Chapters 172, 423, and 427

46 ENACTS:

- 47           **63A-5-225**, Utah Code Annotated 1953
- 48           **63C-16-101**, Utah Code Annotated 1953
- 49           **63C-16-102**, Utah Code Annotated 1953
- 50           **63C-16-201**, Utah Code Annotated 1953
- 51           **63C-16-202**, Utah Code Annotated 1953
- 52           **63C-16-203**, Utah Code Annotated 1953
- 53           **63C-16-204**, Utah Code Annotated 1953



55 *Be it enacted by the Legislature of the state of Utah:*

56           Section 1. Section **63A-5-225** is enacted to read:

57           **63A-5-225. Development of new correctional facilities.**

58           (1) As used in this section:

59 (a) "Commission" means the Prison Development Commission, created in Section  
60 63C-16-201.

61 (b) "New correctional facilities" means a new prison and related facilities to be  
62 constructed to replace the state prison located in Draper.

63 (c) "Prison project" means a project for the design and construction of new correctional  
64 facilities on the selected site.

65 (d) "Selected site" means the same as that term is defined in Section 63C-16-102.

66 (2) In consultation with the commission, the division shall oversee the prison project,  
67 as provided in this section.

68 (3) (a) In accordance with Title 63G, Chapter 6a, Utah Procurement Code, and this  
69 section, the division shall:

70 (i) engage a project manager; and

71 (ii) following engagement of a project manager and in consultation with the project  
72 manager, engage a construction manager and an architect, in that order.

73 (b) An evaluation committee appointed under Section 63G-6a-707 for the evaluation of  
74 proposals for the project manager position on the prison project shall be composed of at least  
75 seven members, three of whom shall be appointed from recommendations by the commission.

76 (c) In formulating contracts with the project manager, construction manager, and  
77 architect, the division shall consult with and consider recommendations from the commission  
78 or a designee of the commission.

79 (d) A contract with a project manager under this section shall include a provision  
80 requiring the project manager to:

81 (i) provide reports to the commission regarding the prison project, as requested by the  
82 commission; and

83 (ii) consider input from the commission on the prison project.

84 (4) All contracts associated with the design or construction of new correctional  
85 facilities shall be awarded and managed by the division in accordance with Title 63G, Chapter  
86 6a, Utah Procurement Code, and this section, in consultation with the commission.

87 (5) The division shall coordinate with, and require the project manager to coordinate  
88 with, the Department of Corrections, created in Section 64-13-2, and the State Commission on  
89 Criminal and Juvenile Justice, created in Section 63M-7-201, during the prison project to help

90 ensure that the design and construction of new correctional facilities are conducive to and  
91 consistent with, and help to implement any reforms of or changes to, the state's corrections  
92 system and corrections programs.

93 (6) (a) There is created within the General Fund a restricted account known as the  
94 "Prison Development Restricted Account."

95 (b) The account created in Subsection (6)(a) is funded by legislative appropriations.

96 (c) (i) The account shall earn interest or other earnings.

97 (ii) The Division of Finance shall deposit interest or other earnings derived from the  
98 investment of account funds into the account.

99 (d) Upon appropriation from the Legislature, money from the account shall be used to  
100 fund the Prison Project Fund created in Subsection (7).

101 (7) (a) There is created a capital projects fund known as the "Prison Project Fund."

102 (b) The fund consists of:

103 (i) money appropriated to the fund by the Legislature; and

104 (ii) proceeds from the issuance of bonds authorized to provide funding for the prison  
105 project.

106 (c) (i) The fund shall earn interest or other earnings.

107 (ii) The Division of Finance shall deposit interest or other earnings derived from the  
108 investment of fund money into the fund.

109 (d) Money in the fund shall be used by the division to fund the prison project.

110 Section 2. Section **63C-15-102** is amended to read:

111 **63C-15-102. Definitions.**

112 As used in this chapter:

113 (1) "Commission" means the Prison Relocation Commission, created in Section  
114 [63C-15-201](#).

115 (2) "Department" means the Department of Corrections, created in Section [64-13-2](#).

116 (3) "Division" means the Division of Facilities Construction and Management, created  
117 in Section [63A-5-201](#).

118 (4) "Justice commission" means the State Commission on Criminal and Juvenile  
119 Justice, created in Section [63M-7-201](#).

120 (5) "New prison facilities" means correctional facilities to be constructed to replace the

121 state prison.

122 [~~(5)~~] (6) "State prison" means the prison that the state operates in [~~Salt Lake County~~]

123 Draper.

124 Section 3. Section **63C-15-201** is amended to read:

125 **63C-15-201. Commission created -- Membership -- Cochairs -- Removal --**  
126 **Vacancy.**

127 (1) There is created [~~an advisory~~] a commission known as the Prison Relocation  
128 Commission, composed of:

129 (a) three members of the Senate, appointed by the president of the Senate, no more  
130 than two of whom may be from the same political party;

131 (b) four members of the House of Representatives, appointed by the speaker of the  
132 House of Representatives, no more than three of whom may be from the same political party;

133 (c) the executive director of the justice commission, appointed under Section  
134 [63M-7-203](#); and

135 (d) the executive director of the department, appointed under Section [64-13-3](#), or the  
136 executive director's designee.

137 (2) The commission members from the Senate and House of Representatives are voting  
138 members of the commission, and the members appointed under Subsections (1)(c) and (d) are  
139 nonvoting members of the commission.

140 (3) The president of the Senate shall appoint one of the commission members from the  
141 Senate as cochair of the commission, and the speaker of the House of Representatives shall  
142 appoint one of the commission members from the House of Representatives as cochair of the  
143 commission.

144 (4) The president of the Senate may remove a member appointed under Subsection  
145 (1)(a), and the speaker of the House of Representatives may remove a member appointed under  
146 Subsection (1)(b).

147 (5) A vacancy of a member appointed under Subsection (1)(a) or (b) shall be filled in  
148 the same manner as an appointment of the member whose departure from the commission  
149 creates the vacancy.

150 (6) A commission member shall serve until a successor is duly appointed and qualified.

151 Section 4. Section **63C-15-203** is amended to read:

152 **63C-15-203. Commission duties and responsibilities.**

153 (1) The commission shall:

154 (a) carefully and deliberately consider, study, and evaluate how and where to move the  
155 state prison, and in that process:

156 (i) consider whether to locate new prison facilities on land already owned by the state  
157 or on land that is currently in other public or private ownership but that the state may acquire or  
158 lease, whether to locate new prison facilities at one location or multiple locations, and to what  
159 extent future corrections needs may be met by existing state and county facilities; and

160 (ii) take into account relevant objectives, including:

161 (A) coordinating the commission's efforts with the efforts of the justice commission  
162 and the department to evaluate criminal justice policies to increase public safety, reduce  
163 recidivism, and reduce prison population growth;

164 (B) ensuring that new prison facilities are conducive to future inmate programming that  
165 encourages a reduction in recidivism;

166 (C) locating new prison facilities to help facilitate an adequate level of volunteer and  
167 staff support that will allow for a correctional program that is commensurate with the high  
168 standards that should be maintained in the state;

169 (D) locating new prison facilities within a reasonable distance of comprehensive  
170 medical facilities;

171 (E) locating new prison facilities to be compatible with surrounding land uses for the  
172 foreseeable future;

173 (F) locating new prison facilities with careful consideration given to the concerns of  
174 access to courts, visiting and public access, expansion capabilities, emergency response factors,  
175 and the availability of infrastructure;

176 (G) supporting new prison facilities by one or more appropriations from the  
177 Legislature;

178 (H) developing performance specifications for new prison facilities that facilitate a  
179 high quality correctional program;

180 (I) phasing in construction over a period of time; and

181 (J) making every reasonable effort to maximize efficiencies and cost savings that result  
182 from building and operating newer, more efficient prison facilities;

183 (b) invite the participation in commission meetings of interested parties, the public,  
184 experts in the area of prison facilities, and any others the commission considers to have  
185 information or ideas that would be useful to the commission;

186 (c) formulate recommendations concerning:

187 (i) the location or locations to which the new prison facilities should be moved;

188 (ii) the type of facilities that should be constructed to accommodate the prison  
189 population and to facilitate implementation of any new corrections programs; and

190 (iii) the extent to which future corrections needs can be met by existing state or county  
191 facilities; and

192 [~~(d) before the start of the 2015 General Session of the Legislature, report the~~  
193 ~~commission's recommendations in writing to the Legislature and governor.~~]

194 (d) sponsor one or more public information and feedback events in communities within  
195 which or adjacent to which a site under final consideration for new prison facilities is located,  
196 as the commission or its chairs consider appropriate.

197 (2) (a) On or before August 1, 2015, the commission shall:

198 (i) choose the site for the construction of new prison facilities from among the sites that  
199 the commission recommended as potential sites in the commission's report to the governor and  
200 the Legislature, adopted on and dated February 27, 2015; and

201 (ii) report the commission's choice to the president of the Senate, the speaker of the  
202 House of Representatives, and the governor.

203 (b) (i) The site chosen by the commission under Subsection (2)(a) shall be the site for  
204 the construction of new prison facilities unless, within 30 days after the commission reports its  
205 choice under Subsection (2)(a)(ii), the governor issues a proclamation convening the  
206 Legislature into special session for the purpose of considering legislation to address the  
207 selection of a site for new prison facilities.

208 (ii) The president of the Senate and the speaker of the House of Representatives may  
209 request the governor to issue a proclamation convening a special session of the Legislature, as  
210 provided in Subsection (2)(b)(i), if a poll of their respective members indicates that a majority  
211 of each house favors convening.

212 [~~(2)~~] (3) The commission may:

213 (a) meet as many times as the commission considers necessary or advisable in order to

214 fulfill its responsibilities under this part;

215 (b) hire or direct the hiring of one or more consultants with experience or expertise in a  
216 subject under consideration by the commission, to assist the commission in fulfilling its duties  
217 under this part; and

218 [~~(c) in its discretion, elect to succeed to the position of the Prison Relocation and  
219 Development Authority under a contract that the Prison Relocation and Development Authority  
220 is a party to, subject to applicable contractual provisions.~~]

221 (c) extend the deadline under Subsection (2)(a) for a one-month period, as many times  
222 as the commission considers appropriate and necessary.

223 [~~(3)~~] (4) The commission may not:

224 (a) consider or evaluate future uses of the property on which the state prison is  
225 currently located;

226 (b) make recommendations concerning the future use or development of the land on  
227 which the state prison is currently located;

228 (c) make any commitments or enter into any contracts for the acquisition of land for  
229 new state prison facilities or regarding the construction of new state prison facilities; or

230 (d) initiate or pursue the procurement of a person to design or construct new prison  
231 facilities.

232 Section 5. Section **63C-16-101** is enacted to read:

233 **CHAPTER 16. PRISON DEVELOPMENT COMMISSION ACT**

234 **63C-16-101. Title.**

235 This chapter is known as the "Prison Development Commission Act."

236 Section 6. Section **63C-16-102** is enacted to read:

237 **63C-16-102. Definitions.**

238 As used in this chapter:

239 (1) "Commission" means the Prison Development Commission, created in Section  
240 [63C-16-201](#).

241 (2) "Department" means the Department of Corrections, created in Section [64-13-2](#).

242 (3) "Division" means the Division of Facilities Construction and Management, created  
243 in Section [63A-5-201](#).

244 (4) "Justice commission" means the State Commission on Criminal and Juvenile

245 Justice, created in Section [63M-7-201](#).

246 (5) "New correctional facilities" means a new prison and related facilities to be  
247 constructed to replace the state prison located in Draper.

248 (6) "Prison project" means a project for the design and construction of new correctional  
249 facilities on the selected site.

250 (7) "Selected site" means the site selected under Subsection [63C-15-203\(2\)](#) as the site  
251 for new correctional facilities.

252 Section 7. Section **63C-16-201** is enacted to read:

253 **63C-16-201. Commission created -- Membership -- Cochairs -- Removal --**  
254 **Vacancy.**

255 (1) There is created a commission known as the Prison Development Commission,  
256 composed of:

257 (a) three members of the Senate, appointed by the president of the Senate, no more  
258 than two of whom may be from the same political party;

259 (b) four members of the House of Representatives, appointed by the speaker of the  
260 House of Representatives, no more than three of whom may be from the same political party;

261 (c) the executive director of the justice commission, appointed under Section  
262 [63M-7-203](#);

263 (d) the executive director of the department, appointed under Section [64-13-3](#), or the  
264 executive director's designee; and

265 (e) a citizen member who is a resident of the community in or near which the selected  
266 site is located, appointed by the governor.

267 (2) The president of the Senate shall appoint one of the commission members from the  
268 Senate as cochair of the commission, and the speaker of the House of Representatives shall  
269 appoint one of the commission members from the House of Representatives as cochair of the  
270 commission.

271 (3) The president of the Senate may remove a member appointed under Subsection  
272 (1)(a), the speaker of the House of Representatives may remove a member appointed under  
273 Subsection (1)(b), and the governor may remove a member appointed under Subsection (1)(e).

274 (4) A vacancy of a member appointed under Subsection (1)(a), (b), or (e) shall be filled  
275 in the same manner as an appointment of the member whose departure from the commission

276 creates the vacancy.

277 (5) A commission member shall serve until a successor is duly appointed and qualified.

278 Section 8. Section **63C-16-202** is enacted to read:

279 **63C-16-202. Quorum and voting requirements -- Bylaws -- Per diem and expenses**

280 **-- Staff.**

281 (1) A majority of the commission members constitutes a quorum, and the action of a  
282 majority of a quorum constitutes action of the commission.

283 (2) The commission may adopt bylaws to govern its operations and proceedings.

284 (3) (a) Per diem and expenses of commission members who are legislators shall be  
285 paid in accordance with Section [36-2-2](#) and Legislative Joint Rules, Title 5, Chapter 3,  
286 Legislative Compensation.

287 (b) A commission member who is not a legislator may not receive compensation,  
288 benefits, per diem, or expense reimbursement for the member's service on the commission.

289 (4) The Office of Legislative Research and General Counsel shall provide staff support  
290 to the commission.

291 Section 9. Section **63C-16-203** is enacted to read:

292 **63C-16-203. Commission duties and responsibilities.**

293 (1) The commission shall:

294 (a) advise and consult with the division as the division oversees the prison project as  
295 provided in Section [63A-5-225](#);

296 (b) consult with, make recommendations to, and receive reports from the project  
297 manager of the prison project;

298 (c) fulfill other responsibilities specified in Section [63A-5-225](#); and

299 (d) undertake any other action the commission considers appropriate to support or help  
300 facilitate the successful completion of the prison project.

301 (2) The commission may:

302 (a) meet as many times as the commission or its chairs consider necessary or advisable  
303 in order to fulfill the commission's responsibilities under this part; and

304 (b) hire or direct the hiring of one or more consultants or experts to assist the  
305 commission in fulfilling its responsibilities under this part.

306 (3) The commission may not consider or evaluate future uses or development of the

307 property in Draper on which a state prison is located.

308 Section 10. Section **63C-16-204** is enacted to read:

309 **63C-16-204. Other agencies' cooperation and actions.**

310 All state agencies and political subdivisions of the state shall, upon the commission's  
311 request:

312 (1) reasonably cooperate with the commission to facilitate the fulfillment of the  
313 commission's responsibilities; and

314 (2) provide information or assistance to the commission that the commission  
315 reasonably needs to fulfill its responsibilities.

316 Section 11. Section **63G-6a-707** is amended to read:

317 **63G-6a-707. Evaluation of proposals -- Evaluation committee.**

318 (1) To determine which proposal provides the best value to the procurement unit, the  
319 evaluation committee shall evaluate each responsive and responsible proposal that has not been  
320 disqualified from consideration under the provisions of this chapter, using the criteria described  
321 in the request for proposals, which may include:

322 (a) experience;

323 (b) performance ratings;

324 (c) inspection;

325 (d) testing;

326 (e) quality;

327 (f) workmanship;

328 (g) time, manner, or schedule of delivery;

329 (h) references;

330 (i) financial solvency;

331 (j) suitability for a particular purpose;

332 (k) management plans;

333 (l) cost; or

334 (m) other subjective or objective criteria specified in the request for proposals.

335 (2) Criteria not described in the request for proposals may not be used to evaluate a  
336 proposal.

337 (3) The conducting procurement unit shall:

338 (a) appoint an evaluation committee consisting of at least three individuals, except as  
339 provided in Subsection 63A-5-225(3)(b); and

340 (b) ensure that the evaluation committee and each member of the evaluation  
341 committee:

342 (i) does not have a conflict of interest with any of the offerors;

343 (ii) can fairly evaluate each proposal;

344 (iii) does not contact or communicate with an offeror concerning the procurement  
345 outside the official evaluation committee process; and

346 (iv) conducts the evaluation in a manner that ensures a fair and competitive process  
347 and avoids the appearance of impropriety.

348 (4) The evaluation committee may, with the approval of the head of the conducting  
349 procurement unit, enter into discussions or conduct interviews with, or attend presentations by,  
350 the offerors.

351 (5) (a) Except as provided in Subsections (5)(b) and (8), each member of the evaluation  
352 committee is prohibited from knowing, or having access to, any information relating to the  
353 cost, or the scoring of the cost, of a proposal until after the evaluation committee submits its  
354 final recommended scores on all other criteria to the issuing procurement unit.

355 (b) The issuing procurement unit shall:

356 (i) if applicable, assign an individual who is not a member of the evaluation committee  
357 to calculate scores for cost based on the applicable scoring formula, weighting, and other  
358 scoring procedures contained in the request for proposals;

359 (ii) review the evaluation committee's scores and correct any errors, scoring  
360 inconsistencies, and reported noncompliance with this chapter;

361 (iii) add the scores calculated for cost, if applicable, to the evaluation committee's final  
362 recommended scores on criteria other than cost to derive the total combined score for each  
363 responsive and responsible proposal; and

364 (iv) provide to the evaluation committee the total combined score calculated for each  
365 responsive and responsible proposal, including any applicable cost formula, weighting, and  
366 scoring procedures used to calculate the total combined scores.

367 (c) The evaluation committee may not:

368 (i) change its final recommended scores described in Subsection (5)(a) after the

- 369 evaluation committee has submitted those scores to the issuing procurement unit; or
- 370 (ii) change cost scores calculated by the issuing procurement unit.
- 371 (6) (a) As used in this Subsection (6), "management fee" includes only the following
- 372 fees of the construction manager/general contractor:
- 373 (i) preconstruction phase services;
- 374 (ii) monthly supervision fees for the construction phase; and
- 375 (iii) overhead and profit for the construction phase.
- 376 (b) When selecting a construction manager/general contractor for a construction
- 377 project, the evaluation committee:
- 378 (i) may score a construction manager/general contractor based upon criteria contained
- 379 in the solicitation, including qualifications, performance ratings, references, management plan,
- 380 certifications, and other project specific criteria described in the solicitation;
- 381 (ii) may, as described in the solicitation, weight and score the management fee as a
- 382 fixed rate or as a fixed percentage of the estimated contract value;
- 383 (iii) may, at any time after the opening of the responses to the request for proposals,
- 384 have access to, and consider, the management fee proposed by the offerors; and
- 385 (iv) except as provided in Subsection (7), may not know or have access to any other
- 386 information relating to the cost of construction submitted by the offerors, until after the
- 387 evaluation committee submits its final recommended scores on all other criteria to the issuing
- 388 procurement unit.
- 389 (7) (a) The deliberations of an evaluation committee may be held in private.
- 390 (b) If the evaluation committee is a public body, as defined in Section [52-4-103](#), the
- 391 evaluation committee shall comply with Section [52-4-205](#) in closing a meeting for its
- 392 deliberations.
- 393 (8) An issuing procurement unit is not required to comply with Subsection (5) if the
- 394 head of the issuing procurement unit or a person designated by rule made by the applicable
- 395 rulemaking authority:
- 396 (a) signs a written statement:
- 397 (i) indicating that, due to the nature of the proposal or other circumstances, it is in the
- 398 best interest of the procurement unit to waive compliance with Subsection (5); and
- 399 (ii) describing the nature of the proposal and the other circumstances relied upon to

400 waive compliance with Subsection (5); and

401 (b) makes the written statement available to the public, upon request.

402 Section 12. Section **63I-1-263** is amended to read:

403 **63I-1-263. Repeal dates, Titles 63A to 63M.**

404 (1) Section **63A-4-204**, authorizing the Risk Management Fund to provide coverage to  
405 any public school district which chooses to participate, is repealed July 1, 2016.

406 (2) Subsection **63A-5-104(4)(h)** is repealed on July 1, 2024.

407 (3) Section **63A-5-603**, State Facility Energy Efficiency Fund, is repealed July 1, 2016.

408 (4) Title 63C, Chapter 4a, Constitutional and Federalism Defense Act, is repealed July  
409 1, 2018.

410 (5) Title 63C, Chapter 14, Federal Funds Commission, is repealed July 1, 2018.

411 [~~(6) Title 63C, Chapter 15, Prison Relocation Commission, is repealed July 1, 2017.~~]

412 (6) Title 63C, Chapter 16, Prison Development Commission Act, is repealed July 1,  
413 2020.

414 (7) Subsection **63G-6a-1402(7)** authorizing certain transportation agencies to award a  
415 contract for a design-build transportation project in certain circumstances, is repealed July 1,  
416 2015.

417 (8) Title 63H, Chapter 4, Heber Valley Historic Railroad Authority, is repealed July 1,  
418 2020.

419 (9) The Resource Development Coordinating Committee, created in Section  
420 **63J-4-501**, is repealed July 1, 2015.

421 (10) Title 63M, Chapter 1, Part 4, Enterprise Zone Act, is repealed July 1, 2018.

422 (11) (a) Title 63M, Chapter 1, Part 11, Recycling Market Development Zone Act, is  
423 repealed January 1, 2021.

424 (b) Subject to Subsection (11)(c), Sections **59-7-610** and **59-10-1007** regarding tax  
425 credits for certain persons in recycling market development zones, are repealed for taxable  
426 years beginning on or after January 1, 2021.

427 (c) A person may not claim a tax credit under Section **59-7-610** or **59-10-1007**:

428 (i) for the purchase price of machinery or equipment described in Section **59-7-610** or  
429 **59-10-1007**, if the machinery or equipment is purchased on or after January 1, 2021; or

430 (ii) for an expenditure described in Subsection **59-7-610(1)(b)** or **59-10-1007(1)(b)**, if

431 the expenditure is made on or after January 1, 2021.

432 (d) Notwithstanding Subsections (11)(b) and (c), a person may carry forward a tax  
433 credit in accordance with Section 59-7-610 or 59-10-1007 if:

434 (i) the person is entitled to a tax credit under Section 59-7-610 or 59-10-1007; and

435 (ii) (A) for the purchase price of machinery or equipment described in Section  
436 59-7-610 or 59-10-1007, the machinery or equipment is purchased on or before December 31,  
437 2020; or

438 (B) for an expenditure described in Subsection 59-7-610(1)(b) or 59-10-1007(1)(b), the  
439 expenditure is made on or before December 31, 2020.

440 (12) Section 63M-1-3412 is repealed on July 1, 2021.

441 ~~[(13) (a) Section 63M-1-2507, Health Care Compact is repealed on July 1, 2014.]~~

442 ~~[(b) (i) The Legislature shall, before reauthorizing the Health Care Compact:]~~

443 ~~[(A) direct the Health System Reform Task Force to evaluate the issues listed in~~  
444 ~~Subsection (13)(b)(ii), and by January 1, 2013, develop and recommend criteria for the~~  
445 ~~Legislature to use to negotiate the terms of the Health Care Compact; and]~~

446 ~~[(B) prior to July 1, 2014, seek amendments to the Health Care Compact among the~~  
447 ~~member states that the Legislature determines are appropriate after considering the~~  
448 ~~recommendations of the Health System Reform Task Force.]~~

449 ~~[(ii) The Health System Reform Task Force shall evaluate and develop criteria for the~~  
450 ~~Legislature regarding:]~~

451 ~~[(A) the impact of the Supreme Court ruling on the Affordable Care Act;]~~

452 ~~[(B) whether Utah is likely to be required to implement any part of the Affordable Care~~  
453 ~~Act prior to negotiating the compact with the federal government, such as Medicaid expansion~~  
454 ~~in 2014;]~~

455 ~~[(C) whether the compact's current funding formula, based on adjusted 2010 state~~  
456 ~~expenditures, is the best formula for Utah and other state compact members to use for~~  
457 ~~establishing the block grants from the federal government;]~~

458 ~~[(D) whether the compact's calculation of current year inflation adjustment factor,~~  
459 ~~without consideration of the regional medical inflation rate in the current year, is adequate to~~  
460 ~~protect the state from increased costs associated with administering a state based Medicaid and~~  
461 ~~a state based Medicare program;]~~

462 ~~[(E) whether the state has the flexibility it needs under the compact to implement and~~  
463 ~~fund state-based initiatives, or whether the compact requires uniformity across member states~~  
464 ~~that does not benefit Utah;]~~

465 ~~[(F) whether the state has the option under the compact to refuse to take over the~~  
466 ~~federal Medicare program;]~~

467 ~~[(G) whether a state based Medicare program would provide better benefits to the~~  
468 ~~elderly and disabled citizens of the state than a federally run Medicare program;]~~

469 ~~[(H) whether the state has the infrastructure necessary to implement and administer a~~  
470 ~~better state-based Medicare program;]~~

471 ~~[(I) whether the compact appropriately delegates policy decisions between the~~  
472 ~~legislative and executive branches of government regarding the development and~~  
473 ~~implementation of the compact with other states and the federal government; and]~~

474 ~~[(J) the impact on public health activities, including communicable disease~~  
475 ~~surveillance and epidemiology.]~~

476 ~~[(14)]~~ (13) (a) Title 63M, Chapter 1, Part 35, Utah Small Business Jobs Act, is  
477 repealed January 1, 2021.

478 (b) Section 59-9-107 regarding tax credits against premium taxes is repealed for  
479 calendar years beginning on or after January 1, 2021.

480 (c) Notwithstanding Subsection ~~[(14)]~~ (13)(b), an entity may carry forward a tax credit  
481 in accordance with Section 59-9-107 if:

482 (i) the person is entitled to a tax credit under Section 59-9-107 on or before December  
483 31, 2020; and

484 (ii) the qualified equity investment that is the basis of the tax credit is certified under  
485 Section 63M-1-3503 on or before December 31, 2023.

486 ~~[(15)]~~ (14) The Crime Victim Reparations and Assistance Board, created in Section  
487 63M-7-504, is repealed July 1, 2017.

488 ~~[(16)]~~ (15) Title 63M, Chapter 11, Utah Commission on Aging, is repealed July 1,  
489 2017.

490 Section 13. Section 63I-2-263 is amended to read:

491 **63I-2-263. Repeal dates, Title 63A to Title 63M.**

492 ~~[(1) Section 63A-1-115 is repealed on July 1, 2014.]~~

493 ~~[(2)]~~ (1) Section ~~63C-9-501.1~~ is repealed on July 1, 2015.  
 494 (2) Title 63C, Chapter 15, Prison Relocation Commission, is repealed on January 1,  
 495 2016.

496 ~~[(3)]~~ Subsection ~~63J-1-218(3)~~ is repealed on December 1, 2013.]

497 ~~[(4)]~~ Subsection ~~63J-1-218(4)~~ is repealed on December 1, 2013.]

498 ~~[(5)]~~ Section ~~63M-1-207~~ is repealed on December 1, 2014.]

499 ~~[(6)]~~ (3) Subsection ~~63M-1-903(1)(d)~~ is repealed on July 1, 2015.

500 ~~[(7)]~~ Subsection ~~63M-1-1406(9)~~ is repealed on January 1, 2015.]

501 Section 14. **Appropriation.**

502 Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, for  
 503 the fiscal year beginning July 1, 2014 and ending June 30, 2015, the following sums of money  
 504 are appropriated from resources not otherwise appropriated, or reduced from amounts  
 505 previously appropriated, out of the funds or accounts indicated. These sums of money are in  
 506 addition to any amounts previously appropriated for fiscal year 2015.

507 To Legislature - Senate

508 From General Fund, One-time \$10,000

509 Schedule of Programs:

510 Administration \$10,000

511 To Legislature - House of Representatives

512 From General Fund, One-time \$13,000

513 Schedule of Programs:

514 Administration \$13,000

515 To Legislature - Office of Legislative Research and General Counsel

516 From General Fund, One-time \$40,000

517 Schedule of Programs:

518 Administration \$40,000

519 Section 15. **Effective date.**

520 If approved by two-thirds of all the members elected to each house, this bill takes effect  
 521 upon approval by the governor, or the day following the constitutional time limit of Utah  
 522 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,  
 523 the date of veto override.

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**Legislative Review Note**  
**as of 3-4-15 9:27 AM**

**Office of Legislative Research and General Counsel**